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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,722	07/19/2006	Sabine Terranova	282778US8XPCT	6936
22850	7590	12/02/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER PATEL, VIRESH R	
			ART UNIT 2167	PAPER NUMBER
			NOTIFICATION DATE 12/02/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/528,722	<b>Applicant(s)</b> TERRANOVA ET AL.	
	<b>Examiner</b> VIRESH R. PATEL	<b>Art Unit</b> 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-21, 23-26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-21, 23-26 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/14/2009</u> .   | 6) <input type="checkbox"/> Other: _____                          |

***Detailed Action***

***Final Rejection***

***Response Amendment***

1. This Office Action is in response to applicant's communication filed 7/14/2009. The Applicant's preliminary amendments to the claims and/or the specification were considered with the results that follow.

Claims 1-8, 10-21, 23-26 and 28 have been presented for examination in this application. In view of the amendment filed, claims 1-8, 10-21, 23-26 and 28 have been amended and no claims have added. Claims 9, 22, and 27 have been cancelled. As a result, claims 1-28 are now pending in this application.

The objection to the drawings has been withdrawn.

The 35 USC 101 rejections to claims 1-21 have been withdrawn.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 28 lack the necessary physical articles or objects to constitute a machine or manufacture within the meaning of 35 USC 101. The claim language does no

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disqualify signals, software, or other non-statutory medium. As such, they fail to fall squarely within one of the four statutory categories of 35 USC 101. See MPEP 2106 IV.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. 1-2, 4-8, 10-19, 20, 21, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindholm in view of Treffers et al, US Pub. No. 2002/0023219, herein after referred to as Treffers.

**As to claim 1**, Lindholm teaches a data recording processing medium comprising: copy protected digital data comprising

- “a passive part comprising content to be protected in encrypted form” at paragraph [0033], lines 1-17, paragraph [0036], lines 11-18 and paragraph [0040], lines 1-10  
(Lindholm teaches DRM protected content)
- “an active part comprising information how to decrypt the content comprised in the passive part” at paragraph [0038], lines 1-12

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- “and a hidden part; wherein the active part and the corresponding passive part constitute an active content and the hidden part) is allocated to the active content and/or the active part of the active content and/or the passive part of the active content ” at paragraph [0036], lines 11-18, paragraph [0038], lines 1-12, paragraph [0040], lines 1-10

(Lindholm teaches a ticket, a DRM module, and DRM protected content, interpreted as a comprising the functionality of an active, hidden and passive part)

- “wherein the hidden part comprises information at least about properties of said active content and said active part and said passive part (2)” at paragraph [0036], lines 11-18

(Lindholm teaches a DRM module interpreted as a hidden part)

- “wherein the active part of the active content further comprises rules that either allow or forbid decryption of the content comprised in the passive part of the active content based on the information comprised in the hidden part; wherein said data is residing on said data recording and processing medium, and wherein said recording and processing medium pertains to at least one of a consumer electronic device and a personal computer” at paragraph [0033], lines 1-17, and paragraph [0040], lines 1-10

(Lindholm teaches a DRM module granting access, based on an issued ticket, for decryption using a decryption key)

The difference between Lindholm and the claimed invention is that Lindholm does not explicitly teach wherein the active part is adapted to automatically amend itself to bring an amended active part each time at least one of decryption and encryption of the passive part is preformed.

However, Treffers teaches a similar method “wherein the active part is adapted to automatically amend itself to bring an amended active part each time at least one of decryption and encryption of the passive part is preformed” at paragraph [0041], lines 1-4 and paragraph [0046], lines 15-30

(Treffers teaches updates the encryption key upon each copy or play of the DRM protected content)

Thus, it would be obvious to one of ordinary skill in the art at the time the invention was made to combine Lindholm in view of Treffers’ teachings to comprise wherein the active part is adapted to automatically amend itself to bring an amended active part each time at least one of decryption and encryption of the passive part is preformed in order to allow the digital usage rights to update along with the actions of the user.

**As to claim 2**, Lindholm teaches The data recording and processing medium of claim 1, wherein “the active part (3) is adapted to read out the information (7) comprised in said hidden part (6), compare said information (7) with the rules (5) and perform or deny decryption of the content (1) comprised in the passive part (2) based on a comparison result” at paragraph [0033], lines 1-17 and paragraph [0038], lines 1-12

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(Lindholm teaches a DRM module granting access, based on an issued ticket, for decryption using a decryption key)

**As to claim 4,** Lindholm teaches The data recording and processing medium of claim 1, wherein “the active part (3) further comprises information (4') how to encrypt decrypted content (1')” at paragraph [0033], lines 1-17 and paragraph [0038], lines 1-12  
(Lindholm teaches a DRM module granting access, based on an issued ticket, for decryption using a decryption key)

**As to claim 5,** Lindholm teaches The data recording and processing medium of claim 1, wherein “the active part (3) is further adapted to perform decoding and/or reproduction of decrypted content (1') after decryption of the content (1) comprised in the passive part (2)” at paragraph [0042], lines 1-14  
(Lindholm teaches a DRM module that can re-encrypt the DRM content)

**As to claim 6,** Lindholm teaches The data recording and processing medium of claim 1, wherein “the active part (3) is adapted to completely load and delete the passive part (2), to decrypt and reproduce the content (1) comprised in the loaded passive part (2), to encrypt the decrypted content (1') after reproduction and to store the encrypted content (1) into a new passive part (2\*)” at paragraph [0040], lines 1-10 and paragraph [0042], lines 1-14

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(Lindholm teaches a DRM module that can load and re-encrypt the DRM content for further distribution. The DRM content is obtained and stored, and therefore, it would be commonly known in the art to delete the stored content before re-encrypting it)

**As to claim 7**, Lindholm teaches The data recording and processing medium of claim 6, wherein “the active part (3) is adapted to perform loading, deletion, decryption, encryption and storing of the content (1) comprised in the passive part (2) in real time during reproduction of the content (1) comprised in the passive part (2)” at paragraph [0040], lines 1-10 and paragraph [0042], lines 1-14

(Lindholm teaches a DRM module that can load and re-encrypt the DRM content for further distribution. The DRM content is obtained and stored, and therefore, it would be commonly known in the art to delete the stored content before re-encrypting it)

**As to claim 8**, Lindholm teaches The data recording and processing medium of claim 6, wherein “the active part (3) is adapted to store the new passive part (2\*) together with an adapted active part (3) into a new active content (8\*)” at paragraph [0040], lines 1-10 and paragraph [0042], lines 1-14

(Lindholm teaches a DRM module that can load and re-encrypt the DRM content for further distribution. The DRM content is obtained and stored, and therefore, it would be commonly known in the art to delete the stored content before re-encrypting it)



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**As to claim 10**, Lindholm teaches The data recording and processing medium of claim 1, wherein “the active part (3) is a tamper resistant software” at paragraph [0039], lines 1-19  
(Lindholm teaches a tamper resistant ticket and DRM module)

**As to claim 11**, Lindholm teaches The data recording and processing medium of claim 1, wherein “the rules (5) comprised in the active part (3) comprise information (5') how often the content (1) comprised in the passive part (2) is allowed to be decrypted and how often the content (1) comprised in the passive part (2) has already been decrypted” at paragraph [0041], lines 1-15  
(Lindholm teaches a rights to share content a specific number of times, therefore, the number of times the content has been decrypted must be tracked and stored)

**As to claim 12**, Lindholm teaches The data recording and processing medium of claim 1, wherein “the rules (5) comprised in the active part (3) comprise information (5'') how long the content (1) comprised in the passive part (2) is allowed to be decrypted” at paragraph [0041], lines 1-15  
(Lindholm teaches a rights to share content a specific number of times)

**As to claim 13**, Lindholm teaches The data recording and processing medium of claim 1, wherein “the rules (5) comprised in the active part (3) comprise information (5''') how often the content (1) comprised in the passive part (2) is allowed to be lend and

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how often the content (1) comprised in the passive part (2) has already been lend” at paragraph [0041], lines 1-15

(Lindholm teaches a rights to share content a specific number of times, therefore, the number of times the content has been decrypted must be tracked and stored)

**As to claim 14**, Lindholm teaches The data recording and processing medium of claim 1, wherein “the active content (8) constitutes a data file operable by an operating system” at paragraph [0033], lines 1-18 and paragraph [0038], lines 1-12

(Lindholm teaches a ticket)

**As to claim 15**, Lindholm teaches The data recording and processing medium of claim 1, wherein “the active part (3) is adapted to separate the passive part (2) from the active content (8) for decryption of the content (1) comprised in the passive part (2)” at paragraph [0033], lines 1-17

(Lindholm teaches decrypting the encrypted DRM content using a ticket)

**As to claim 16**, Lindholm teaches The data recording and processing medium of claim 1, wherein “the hidden part (6) automatically is allocated to the active content (8) and/or the active part (3) of the active content (8) and/or the passive part (2) of the active content (8) by an operating system (9)” at paragraph [0036], lines 11-18, paragraph [0038], lines 1-12 and paragraph [0039], lines 1-19

(Lindholm teaches a DRM module allocated to the DRM content and ticket)

**As to claim 17**, Lindholm teaches The data recording and processing medium of claim 1, wherein “the hidden part (6) is stored in a system file (10) of an operating system (9)” at paragraph [0036], lines 11-18, paragraph [0038], lines 1-12 and paragraph [0039], lines 1-19

(Lindholm teaches a DRM module on a terminal or server, and it would be commonly known to have that DRM module stored in a file system of an operating system)

**As to claim 18**, Lindholm teaches The data recording and processing medium of claim 1, wherein “the hidden part (6) is stored in encrypted form” at paragraph [0039], lines 1-19

(Lindholm teaches a DRM module that must be authenticated by a DRM authority, therefore it would be commonly known in the art for the DRM module to be encrypted and the DRM authority have the ability to decrypt the DRM module in order to authenticate it)

**As to claim 19**, Lindholm teaches The data recording and processing medium of claim 1, wherein “the hidden part (6) further comprises information (7') about the location of the active content (8) and/or the active part (3) of the active content (8) and/or passive part (2) of the active content (8)” at paragraph [0039], lines 1-19 and paragraph [0040], lines 1-10

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(Lindholm teaches a DRM module that verifies access rights through the use of a stored ticket and then allows the download of DRM content)

**As to claim 21**, Lindholm teaches The data recording and processing medium of claim 1, wherein “the encrypted content (1) comprised in the passive part (2) is digitised audio data and/or digitised video data and/or digitised picture data and/or a database and/or a software and/or digitised text” at paragraph [0028], lines 5-8

**As to claim 22**, Lindholm teaches “a recording medium (11) or consumer electronic device or personal computer comprising The data recording and processing medium of claim 1” at paragraph [0036], lines 11-18, paragraph [0038], lines 1-12, paragraph [0040], lines 1-10

**As to claim 23**, Lindholm teaches a method of reproducing a copy protected digital data, the copy protected digital data comprising

- “a passive part (2) comprising content (1) to be protected in encrypted form; an active part (3) comprising information (4) how to decrypt the content (1) comprised in the passive part (2); and a hidden part (6)” at paragraph [0036], lines 11-18, paragraph [0038], lines 1-12, paragraph [0040], lines 1-10

(Lindholm teaches a ticket, a DRM module, and DRM protected content, interpreted as a comprising the functionality of an active, hidden and passive part)

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- “wherein the active part (3) and the corresponding passive part (2) constitute an active content (8)” at paragraph [0038], lines 1-12, paragraph [0040], lines 1-10  
(Lindholm teaches a ticket, DRM module and DRM protected content, interpreted as a comprising an active content)
- “the hidden part (6) is allocated to the active content (8) and/or the active part (3) of the active content (8) and/or the passive part (2) of the active content (8)” at paragraph [0036], lines 11-18, paragraph [0038], lines 1-12, paragraph [0040], lines 1-10  
(Lindholm teaches a ticket, a DRM module, and DRM protected content, where the DRM module is allocated to the ticket and DRM content)
- “the hidden part (6) comprising information (7) about properties of said active content (8) and/or respective active part (3) and/or said passive part (2)” at paragraph [0040], lines 1-10  
(Lindholm teaches a DRM module that verifies the access rights to DRM protected content)
- “and the active part (3) of the active content (8) further comprises rules (5) to allow and/or forbid decryption of the content (1) comprised in the passive part (2) of the active content (8) based on the information (7) comprised in the hidden part (6)” at paragraph [0033], lines 1-17, paragraph [0038], lines 1-12 and paragraph [0040], lines 1-10  
(Lindholm teaches a ticket that contains access rights to DRM protected content)

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- “the method comprising the following steps: (S1) reading out the information (7) comprised in the hidden part (6) of the copy protected digital data; (S2) comparing said information (7) with the rules (5) comprised in the corresponding active part (3) of the active content (8)” at paragraph [0033], lines 1-17, paragraph[0038], lines 1-12 and paragraph [0040], lines 1-10  
(Lindholm teaches a ticket that contains access rights to DRM protected content and DRM module and ticket are used to determine access rights)
- “(S3) denying decryption of the content (1) comprised in the passive part (2) of the active content (8) if the information (7) read out from the hidden part (6) does not comply with the rules (5) and terminating the method” at paragraph [0033], lines 1-17, paragraph[0038], lines 1-12 and paragraph [0040], lines 1-10  
(Lindholm teaches a ticket that contains access rights to DRM protected content and DRM module and ticket are used to determine decryption rights)
- “(S4) loading the encrypted content (1) comprised in the passive part (2) of the active content (8) if the information (7) read out from the hidden part (6) complies with the rules (5); (S5) performing decryption of the encrypted content (1)” at paragraph [0033], lines 1-17, paragraph[0038], lines 1-12 and paragraph [0040], lines 1-10  
(Lindholm teaches a ticket that contains access rights to DRM protected content and DRM module and ticket are used to determine decryption rights)
- (S6) reproducing decrypted content (1')” at paragraph [0042], lines 1-14  
(Lindholm teaches reproducing DRM protected encrypted material)

The difference between Lindholm and the claimed invention is that Lindholm does not explicitly teach wherein automatically amending the active part of the active content by control of the active part of the active content to build an amended active part each time decryption of the content comprised in the passive part is performed.

However, Treffers teaches a similar method “automatically amending the active part of the active content by control of the active part of the active content to build an amended active part each time decryption of the content comprised in the passive part is performed” at paragraph [0041], lines 1-4 and paragraph [0046], lines 15-30 (Treffers teaches updates the encryption key upon each copy or play of the DRM protected content)

Thus, it would be obvious to one of ordinary skill in the art at the time the invention was made to combine Lindholm in view of Treffers’ teachings to comprise wherein automatically amending the active part of the active content by control of the active part of the active content to build an amended active part each time decryption of the content comprised in the passive part is performed in order to allow the digital usage rights to update along with the actions of the user.

**As to claim 24**, Lindholm teaches the method according to claim 23, wherein the method further comprises the steps of “(S7) deleting the passive part (2); (S8) encrypting the decrypted content (1') after reproduction; and (S9) storing the encrypted

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content (1) into a new passive part (2\*)” at paragraph [0040], lines 1-10 and paragraph [0042], lines 1-14

(Lindholm teaches a DRM module that can load and re-encrypt the DRM content for further distribution. The DRM content is obtained and stored, and therefore, it would be commonly known in the art to delete the stored content before re-encrypting it)

**As to claim 25**, Lindholm teaches the method according to claim 23, wherein the step “(S6) of reproducing the decrypted content (1’), the step (S7) of deleting the passive part (2) and the step (S8) of encrypting the decrypted content (1’) after reproduction are performed in real time during reproduction of the decrypted content (1’)” at paragraph [0040], lines 1-10 and paragraph [0042], lines 1-14

(Lindholm teaches a DRM module that can load and re-encrypt the DRM content for further distribution. The DRM content is obtained and stored, and therefore, it would be commonly known in the art to delete the stored content before re-encrypting it)

**As to claim 28**, Lindholm teaches “a software product residing and running on a data recording and processing means comprising a series of state elements which are adapted to be processed by a data processing means such, that a method according to claim 23 may be executed thereon” at paragraph [0036], lines 11-18, paragraph [0038], lines 1-12, paragraph [0040], lines 1-10

**As per claim 20**, Lindholm teaches the system of claim 1 as set forth above.



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The difference between Lindholm and the claimed invention is that Lindholm does not explicitly teach wherein the information (7, 7') comprised in the hidden part (6) automatically is changed by an operating system (9) to build an amended hidden part (6\*) each time the active content (8) and/or the active part (3) of the active content (8) and/or the passive part (2) of the active content (8) and/or the content (1) comprised in the passive part (2) of the active content (8) is read out and/or amended and/or stored.

However, Treffers teaches a similar method wherein “the information (7, 7') comprised in the hidden part (6) automatically is changed by an operating system (9) to build an amended hidden part (6\*) each time the active content (8) and/or the active part (3) of the active content (8) and/or the passive part (2) of the active content (8) and/or the content (1) comprised in the passive part (2) of the active content (8) is read out and/or amended and/or stored” at paragraph [0041], lines 1-4 and paragraph [0046], lines 15-30

(Treffers teaches updates the encryption key upon each copy or play of the DRM protected content)

Thus, it would be obvious to one of ordinary skill in the art at the time the invention was made to combine Lindholm in view of Treffers' teachings in order to allow the digital usage rights to update along with the actions of the user.

**As per claim 26**, Lindholm teaches the system of claim 23 as set forth above.

The difference between Lindholm and the claimed invention is that Lindholm does not explicitly teach the steps (S10) automatically amending the hidden part (6) by

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control of an operating system (9) to built an amended hidden part (6\*) each time the active content (8) and/or the active part (3) of the active content (8) and/or the passive part (2) of the active content (8) and/or the content (1) comprised in the passive part (2; 2\*) of the active content (8) is read and/or amended and/or stored.

However, Treffers teaches a similar method "(S10) automatically amending the hidden part (6) by control of an operating system (9) to built an amended hidden part (6\*) each time the active content (8) and/or the active part (3) of the active content (8) and/or the passive part (2) of the active content (8) and/or the content (1) comprised in the passive part (2; 2\*) of the active content (8) is read and/or amended and/or stored" at paragraph [0041], lines 1-4 and paragraph [0046], lines 15-30

(Treffers teaches updates the encryption key upon each copy or play of the DRM protected content)

Thus, it would be obvious to one of ordinary skill in the art at the time the invention was made to combine Lindholm in view of Treffers' teachings in order to allow the digital usage rights to update along with the actions of the user.

**As per claim 27**, Lindholm teaches the system of claim 23 as set forth above.

The difference between Lindholm and the claimed invention is that Lindholm does not explicitly teach the steps (S11) automatically amending the active part (3) of the active content (8) by control of the active part (3) of the active content (8) to build an amended active part (3\*) each time decryption of the content (1) comprised in the passive part (2) is performed.

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However, Treffers teaches a similar method (S11) automatically amending the active part (3) of the active content (8) by control of the active part (3) of the active content (8) to build an amended active part (3\*) each time decryption of the content (1) comprised in the passive part (2) is performed” at paragraph [0041], lines 1-4 and paragraph [0046], lines 15-30

(Treffers teaches updates the encryption key upon each copy or play of the DRM protected content)

Thus, it would be obvious to one of ordinary skill in the art at the time the invention was made to combine Lindholm in view of Treffers’ teachings in order to allow the digital usage rights to update along with the actions of the user.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lindholm in view of Yamada et al, US Patent No. 6144743, herein after referred to as Yamada.

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**As per claim 3**, Lindholm teaches the system of claim 1 as set forth above as well as “an active part (3) of the active content (8) that is adapted to deny decryption of the content (1) comprised in the passive part (2) of the active content (8) if the information (7) comprised in the hidden part (6) does not comply with the rules (5) of the active part (3)” at paragraph [0033], lines 1-17 and paragraph [0040], lines 1-10

The difference between Lindholm and the claimed invention is that Lindholm does not explicitly teach the active part (3) of the active content (8) is adapted to permanently deny decryption of the content (1) comprised in the passive part (2) of the active content (8) if the information (7) comprised in the hidden part (6) does not comply with the rules (5) of the active part (3).

However, Yamada teaches a similar method wherein the active part (3) of the active content (8) is adapted to permanently deny decryption of the content (1) comprised in the passive part (2) of the active content (8) if the information (7) comprised in the hidden part (6) does not comply with the rules (5) of the active part (3)” at column 8, lines 58-65

(Yamada teaches permanent denial of copy rights)

Thus, it would be obvious to one of ordinary skill in the art at the time the invention was made to combine Lindholm in view of Yamada’s teachings in order to permanently secure the rights of certain digital media content.

### ***Conclusion***

The following prior are made of record however no relied upon is considered pertinent to applicant's disclosure.

Kahn et al (US Patent No. 7039955), discloses a digital broadcast system which uses an authenticator to control access rights.

### ***Response to Arguments***

Applicant's arguments have been considered but are not persuasive.

Claim 28 contains no language that would disqualify software or other non-statutory medium. The language the remainder of the claims narrows the scope of the medium to exclude signals and software and only includes statutory medium.

Applicant argues, Trefers does not teach "wherein the active part is adapted to automatically amend itself to bring an amended active part each time at least one of decryption and encryption of the passive part is preformed." Examiner respectfully disagrees. The language in Trefers paragraph [0046] explicitly state that with each consumption the key locker table is updated, a new key-locker key is generated, and the key locker table is encrypted using the new key locker key. The language, "consumption" is interpreted as "at least one of encryption and decryption" since a consumption would innately require these actions. Thus, the "active" part of the Trefers reference is in fact amended each time a "consumption" occurs.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIRESH R. PATEL whose telephone number is (571)270-1630. The examiner can normally be reached on 8:30 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571 272 7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2167

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/Viresh R Patel/  
Examiner, Art Unit 2167  
11-23-09

/Wilson Lee/  
Primary Examiner, Art Unit 2163